

**REMARKS**

**I. Status of the claims and amendments**

After entering this amendment, claims 1, 3, 5-22, and 28 will be pending in this application. Claim 1 has been amended by moving the definition of p to a location after the definition of L<sub>1</sub>, L<sub>2</sub>, and L<sub>3</sub>, and before the definition of R<sub>3</sub>, as suggested by the Examiner. Claim 1 has also been amended to recite that "when L<sub>3</sub> is a single bond, p is 1." Support for this amendment will be discussed below in the section addressing the indefiniteness rejection. Claim 2 has been cancelled without prejudice or disclaimer for being directed to non-elected subject matter. Claim 3 has been amended to depend from claim 1 because it previously depended from claim 2, which has been cancelled in this response. Claim 15 has been amended to be consistent with a previous amendment in which the definition of R<sub>2</sub> was amended to exclude hydrogen. Claims 4, 23-27, and 29-33 had been cancelled in previous responses.

**II. Statement of the substance of interview under 37 C.F.R. § 1.133(b)**

Applicants thank Examiner David Gallis for the interview of June 9, 2009, in which the rejection under Section 112, second paragraph was discussed. In particular, the Examiner and the undersigned discussed the meaning of the definition of R<sub>2</sub> being L<sub>3</sub>-(W<sub>2</sub>)<sub>p</sub> in claim 1, and amendments to claim 1 to render the rejection moot. The Examiner agreed that amending the claim to recite that "when L<sub>3</sub> is a single bond, p is 1" would obviate the rejection. The Examiner also suggested that the definition of p be moved to a location after the definition of L<sub>1</sub>, L<sub>2</sub>, and L<sub>3</sub>, and before the definition of R<sub>3</sub>.

**III. Rejections under 35 U.S.C. § 112, second paragraph**

The Office maintained the rejection of claim 1 under 35 U.S.C. 112, second paragraph as being indefinite. The Office argues that claim 1 "recites  $R_2$  to represent  $L_3-(W_2)_p$ , wherein  $L_3$  can be a single bond and  $p$  can be equal to 0." Office Action at 3. The Office argues that "[s]uch a group represents an unassociated single bond (a single bond with nothing attached)." *Id.* The Office argues that "the definition of  $p$  as 0 when  $L_3$  is a bond does not describe anything and creates a dangling valence." *Id.* at 2 (citing *Ex Parte Diamond*, 123 U.S.P.Q. 167 (Brd. App. 1959)).

Applicants respectfully traverse this rejection for the reasons of record, for example, because one of ordinary skill in the art would be able to properly determine the scope of the claim. However, with the sole purpose of expediting prosecution, Applicants have amended claim 1 to recite that "when  $L_3$  is a single bond,  $p$  is 1." This limitation finds written description support in the proper interpretation of original claim 1 by one of ordinary skill in the art, who would have recognized that Applicants were in possession of the invention as claimed. *See, e.g.*, M.P.E.P. § 2163. In this case, the Office already properly recognized that in original claim 1, in the definition of  $R_2$  as  $L_3-(W_2)_p$ , when  $L_3$  is a single bond,  $p$  cannot be equal to zero but must be instead equal to one ( $p$  can only have two values, zero and one). Office Action at 3. Therefore, it is clear that one of ordinary skill in the art would have understood that in the definition of  $R_2$ , when  $L_3$  is a single bond,  $p$  must be equal to one, just like the Office did. Therefore, because original claim 1 would inform one of ordinary skill in the art that Applicants

were in possession of the subject matter that includes the limitation now explicitly added to the claim, such amendment finds proper support in original claim 1.

As agreed during the interview of June 9, 2009, this amendment renders moot this rejection. Accordingly, Applicants respectfully request that this rejection be withdrawn.

#### **IV. Claim objections**

The Office objected to claims 3, 5-22 and 28 for being dependent upon a rejected base claim, but indicated that these claims would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Office Action at 3. In view of the arguments presented in the previous section, Applicants believe that claim 1, from which claims 3, 5-22 and 28 depend, is in condition for allowance. Accordingly, this objection is moot and Applicants respectfully request that it be withdrawn.

The Office also objected to claim 2 for being directed to nonelected subject matter, namely compounds according to claim 1 wherein more than one of A, B, D, E is nitrogen. Applicants have cancelled claim 2 without prejudice or disclaimer. Accordingly, the objection is now moot and Applicants respectfully request that it be withdrawn.

#### **V. Conclusions**

Applicants respectfully request that this amendment under 37 C.F.R. § 1.116 be entered by the Office, placing the pending claims in condition for allowance. Applicants submit that the proposed amendments of claims 1 and 3 do not raise new issues or

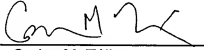
necessitate the undertaking of any additional search of the art by the Office, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Office.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Office dispute the patentability of the pending claims. Applicants therefore request the entry of this amendment, the Office's reconsideration of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By: 

Carlos M. Téllez  
Reg. No. 48,638  
Tel. 202-408-4123

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